

## **REMARKS**

### **Status of Claims**

The Office Action mailed July 8, 2005 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-6 were pending in the application. Claims 3 and 5 have been amended and no claims have been canceled or newly added. Therefore, claims 1-6 are pending in the application and are presented for reconsideration.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Applicants thank the examiner for indicating that claims 1 and 2 are allowed and that claims 4 and 6 contain allowable subject matter.

### **Prior Art Rejection**

In the Office Action, claims 3 and 5 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. patent 5,887,224 to Mizuishi et al. (hereafter "Mizuishi"). Applicants respectfully traverse this rejection for at least the following reasons.

Independent claims 3 and 5 recite, *inter alia*, that (1) the fresh toner is conveyed in a first direction in a first convey path, while (2) the recycled toner is conveyed in a second direction (different from the first direction) in a second convey path that is longer than the first convey path and (3) then enters the first convey path to be stirred and conveyed in the first direction. At least features (2) and (3) are not disclosed or suggested by Mizuishi.

Mizuishi discloses that a second convey path in which a recycle toner is stirred has a second length greater than a first length of a first convey path in which a fresh toner is stirred. However, Mizuishi does not disclose that the recycle toner in the second convey path is stirred and conveyed in a second direction different from a first direction, and then enters the first convey path to be conveyed and stirred in the first direction.

Therefore, the specific recited features in independent claims 3 and 5 are not disclosed or suggested by the Mizuishi. In order for a reference to be utilized as an anticipatory reference under the provisions of 35 U.S.C. § 102, the reference must disclose each and every

claimed element. This is certainly not the case here, and thus the Sec. 102 rejection as to claim 3 and 5 must be withdrawn.

The dependent claims are also patentable for at least the same reasons as the independent claims on which they ultimately depend. In addition, they recite additional features which are patentable when considered as a whole. In this context, applicants note with appreciation in the indication of allowable subject matter with respect to claims 4 and 6.

### **Conclusion**

In view of the above, applicants respectfully submit that the present application is now in condition for allowance. An early notice of the same is respectfully solicited. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicants hereby petition for any needed extension of time.

Respectfully submitted,

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